



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/847,046	04/30/2001	Peter Hevezi	A-69199-1/DJB/JJD/AMS

## CONFIRMATION NO. 5223

## FORMALITIES LETTER



\*OC00000006277345\*

ELEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
 Suite 3400  
 Four Embarcadero Center  
 San Francisco, CA 94111-4187  
 09/13/2001 BABRAKA1 00000024 09847046

01 FC:201	355.00	OP
02 FC:203	198.00	OP
03 FC:202	760.00	OP
04 FC:204	135.00	OP
05 FC:205		

Date Mailed: 07/10/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 355 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1093.
  - \$198 for 22 total claims over 20.
  - \$760 for 19 independent claims over 3 .
  - \$135 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1513.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant

desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice **MUST** be returned with the reply.*

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## Customer Service Center

Initial Patent Examination Division (703) 308-1202

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**

### RECEIVED

500-2007-14 1011-85

## Section 2017



PATENT

Attorney Docket No.: A-69199-1/DJB/JJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HEVEZI, et al.

Serial No. 09/847,046

Filed: April 30, 2001

For: NOVEL METHODS OF DIAGNOSIS OF  
PROSTATE CANCER AND/OR BREAST  
CANCER, COMPOSITIONS, AND  
METHODS OF SCREENING FOR  
PROSTATE CANCER AND/OR BREAST  
CANCER MODULATORS

Examiner: UNKNOWN

Group Art Unit: 1619

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: BOX MISSING PARTS, Assistant Commissioner for Patents, Washington, DC 20231 on:

Dated: September 7, 2001

Signed: Monica Carlos  
Monica E. Carlos

RESPONSE TO NOTICE TO FILE MISSING PARTS OF  
NONPROVISIONAL APPLICATION

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed July 10, 2001, enclosed are the following documents:

- a) Copy of the Notice to File Missing Parts of Nonprovisional Application;
- b) Check in the amount of \$1513 (\$355 filing fee, \$198 additional claims over twenty, \$760 additional independent claims over three, \$135 multiple dependent fee, and \$65 surcharge;
- c) Declaration for Patent application;
- d) Power of Attorney by Assignee;
- e) Preliminary Amendment Re: Sequence Listing;
- f) Sequence Listing paper copy;
- g) Sequence Listing disk in computer readable form;
- h) Request for Correction of Official Filing Receipt;
- i) Copy of Filing Receipt with corrections in red; and

Serial No.: 09/847,046  
Filed: April 30, 2001

j) Return postcard.

Applicant claims small entity status. See 37 CFR 1.27.

Although Applicant does not believe any additional fees are required, the Assistant Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Our File A-69199-1/DJB/JJD).

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Dated: September 6, 2001

By James J. Diehl  
James J. Diehl, Reg. No. 47,527 For:  
David J. Brezner, Reg. No. 24,774

Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989



PATENT

Attorney Docket No.: A-69199-1/DJB/JJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

HEVEZI, et al.

Serial No. 09/847,046

Filed: April 30, 2001

For: NOVEL METHODS OF DIAGNOSIS OF  
PROSTATE CANCER AND/OR BREAST  
CANCER, COMPOSITIONS, AND  
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CANCER MODULATORS

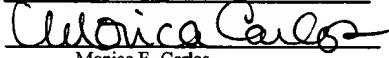
Examiner: UNKNOWN

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Dated: September 7, 2001

Signed:   
Monica E. Carlos

REQUEST FOR CORRECTED OFFICIAL FILING RECEIPT

BOX MISSING PARTS  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Applicants request the Patent Office to make the following corrections to the Official Filing Receipt:

Please correct the Applicant(s) information as follows:

After, "Peter Hevezi," delete "Residence Not Provided," and insert therefor --San Francisco, California--.

After, "David Mack," delete "Residence Not Provided," and insert therefor --Menlo Park, California--.

After, "Kurt C. Gish," delete "Residence Not Provided," and insert therefor --San Francisco, California--.

After, "Keith E. Wilson," delete "Residence Not Provided," and insert therefor --Redwood City, California--.

Applicants enclose a copy of the Official Filing Receipt with the change indicated in red.

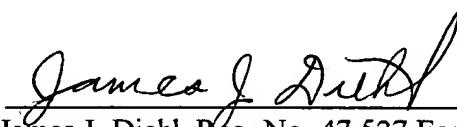
Serial No.: 09/847,046  
Filed: April 30, 2001

The Assistant Commissioner is hereby authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Our File A-69199-1/DJB/JJD).

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

Dated: September 6, 2001

By   
James J. Diehl, Reg. No. 47,527 For:  
David J. Brezner, Reg. No. 24,774

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copy*

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/847,046	04/30/2001	1619	0.00	A-69199-1/DJB/JJD/AMS	3	38	22



12HR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400  
Four Embarcadero Center  
San Francisco, CA 94111-4187

CONFIRMATION NO. 5223

FILING RECEIPT



\*OC00000006277344\*

Date Mailed: 07/10/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Peter Hevezi, Residence Not Provided, San Francisco, California;  
David Mack, Residence Not Provided, Menlo Park, California;  
Kurt C. Gish, Residence Not Provided, San Francisco, California;  
Keith E. Wilson, Residence Not Provided, Redwood City, California

**Assignment For Published Patent Application**

EOS BIOTECHNOLOGY, INC.;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A CIP OF 09/733,288 12/08/2000  
WHICH IS A CON OF 09/687,576 10/13/2000

**Foreign Applications**

**If Required, Foreign Filing License Granted 07/05/2001**

**Projected Publication Date:** To Be Determined - pending completion of Missing Parts

**Non-Publication Request:** No

**Early Publication Request:** No

**\*\* SMALL ENTITY \*\***

**Title**

Novel methods of diagnosis of prostate cancer and/or breast cancer, compositions, and methods, of screening for prostate cancer and /or breast cancer modulators

**Preliminary Class**

424

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**Data entry by :** KELECHA, ASEGEDECH

**Team :** OIPE

**Date:** 07/10/2001



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

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